

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GATEGUARD INC., :  
: :  
: Plaintiff, : Civil Case No.: 1:20-cv-01609  
: : (VEC)(GWG)  
: :  
: Hon. Valerie E. Caproni  
: :  
: DECLARATION OF SIMCHA  
- against - : D. SCHONFELD, ESQ. IN  
: SUPPORT OF DEFENDANTS'  
GOLDMONT REALTY, CORP., : MOTION FOR SUMMARY  
LEON GOLDENBERG and : JUDGMENT  
ABI GOLDENBERG :  
Defendants. :  
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SIMCHA D. SCHONFELD, ESQ., as attorney duly admitted to the practice of law in the State of New York and before this Court, declares the following under penalty of perjury:

1. I am a partner in the law firm of Koss & Schonfeld, LLP, counsel to defendants LEON GOLDENBERG (“Leon”), and ABI GOLDENBERG (“Abi”; Leon and Abi referred to collectively as “Defendants”) and as such I am fully familiar with the facts and circumstances of this action.
2. I submit this Declaration in support of Defendants’ motion for summary judgment.
3. I submit the following exhibits in support of the instant motion:
  - A. Summons and Amended Complaint dated February 1, 2020;
  - B. Notice of Removal dated February 24, 2020 (Docket# 1);
  - C. Answer refiled in SDNY on June 16, 2021 (Docket # 62);
  - D. Order compelling arbitration dated February 15, 2022 (Docket # 101);
  - E. Verdict, *USA v. Teman* 1:19-cr-00696-PAE, dated January 29, 2020;

F. Examination before trial of Ari Teman on behalf of Defendant GateGuard dated August 5, 2021;

G. Opinion and Order denying Plaintiff's motion to disqualify Defendants' Counsel dated November 21, 2022 (Docket # 140); and

4. As set forth in the accompanying Rule 56.1 Statement and the Memorandum of Law, no material issues of fact exist, and judgment should be granted in Defendants' favor as a matter of law.

5. Therefore, and for the reasons set forth in the accompanying Memorandum of Law, it is respectfully submitted that Defendants' motion for summary judgment should be granted.

Dated: New York, New York  
February 9, 2023

Respectfully submitted,



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